

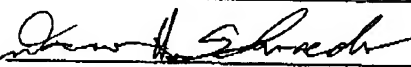
## FAX COVER SHEET

To: USPTODate: 09/30/04Examiner: W.E. TapolcaiArt Unit 3744Application Ser. No. 10/667,910From: Werner H. Schroeder

Patent Agent

Reg. No. 36,387Number of pages including cover sheet: 9

Comments: \_\_\_\_\_

Response after 1st Office Action  
Signature

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/667,910
	Filing Date	09/667,910
	First Named Inventor	Robert Edwin Johnson
	Art Unit	3744
	Examiner Name	W.E. Tapolcai
	Attorney Docket Number	
Total Number of Pages in This Submission		8

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.62 or 1.63	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD <input type="checkbox"/> Remarks	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Werner H. Schroeder		
Signature	<i>Werner H. Schroeder</i>		
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Date	09/30/04	Reg. No.	36,387

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## **Response to a non-Final Office Action**

**Application Ser. No. 10/667,910**

This communication is a response to a non-Final Office Action having a mailing date of 04/08/2004 and setting forth a shortened statutory period for response of three months which expired on 07/08/2004. The applicant, on a hunch, called the Examiner on 09/29/2004 to inquire about the status of the above noted application and was surprised to find out that the above identified application was under a non-Final rejection as of 04/08/2004 as a mailing date. The examiner faxed the above noted Office Action to the applicant's representative on 09/29/2004. The applicant as well as his representative never received this Office Action. A search of the record of the application revealed that no such Office Action was ever received. The following response is a response to the examiner's FAX. The examiner's paragraphs will be followed as set forth in the examiner's detailed Action.

Par. 1. Citation of 35 U.S.C. 103(a)

Par. 2. Claims 1 - 6, 9 and 12 - 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al in view of Taylor. The examiner in this rejection should have considered an obviousness double patenting rejection because the Johnson et al reference is applicant's own Patent. This way, the applicant could have availed himself to a Terminal Disclaimer. The examiner may want to consider this route of prosecution.

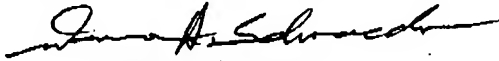
Par. 3. Citation of the first paragraph of 35 U.S.C. 112

Par. 4. Claims 7 and 8 are rejected under 35 U.S.C. 112 as failing to comply with the enablement requirement. The reference to a drainage plug has been canceled from claim 7. The movable access door of claim 8 is shown in Fig. 1 at 13.

Par. 5. The objection to the drawings has been handled in Par. 4 above. The drawings in Fig. 1 do show an access door 13. The reference to a drainage plug has been canceled in claim 7.

Par. 6. The objection to claims 10, 11, 15 and 16 has been noted and the claims objected to are rewritten in independent form on separate pages and therefore, should be allowable.

Par. 7. The allowance of claim 17 has been noted.



Werner H. Schroeder

Reg. No. 36,387

Date: 09/30/04 FAX

1. An evaporative stand-alone cooling device comprising:

(a) a housing having a multiple of open vertical sides including wettable evaporative pads placed in each of said openings of said open vertical sides;

(b) means for delivering water to each top of said evaporate pads to flow downwardly through said pads by gravity;

(c) a sump located at the bottom of said housing to collect excess water therein from said evaporative pads;

(d) a pump placed in said sump being the said means for delivering water to the top of each of said pads and a float is located in said sump to detect a minimum level of water in said sump to stop said pump;

(e) said housing further including a centrifugal blower driven by a first electric motor, said blower being mounted in said housing so as to create a positive pressure of vertically flowing air while at the same time creating a negative pressure of laterally flowing air through said evaporative pads;

(g) means for driving an oscillating and rotatable spout being placed over said opening to direct air in multiple directions.

wherein said spout has a circular bottom ring and said top cover has a circular recess receiving said ring including means for clamping said spout in any adjustable rotational position.

2. (original) The evaporative cooling device of claim 1, wherein each of said evaporative pads is of a sandwich construction consisting of said evaporative pad being placed innermost in each of said open vertical sides to protect and a grid being placed most outwardly in said open vertical sides to protect said evaporative pads from damage and to enhance the aesthetic appearance of said housing.

3. (original) The evaporative cooling device of claim 1, wherein said first electric motor is a direct drive motor.

4. (original) The evaporative cooling device of claim 1, wherein said first electric motor is a belt drive motor.

5 (original) The evaporative cooling device of claim 1 including a water connection in said sump for delivering water into said sump.

6. (original) The evaporative cooling device of claim 5, wherein said water connection is connected to a water valve device including a float to detect a maximum of water level in said sump to shut off the water supply.

7. (canceled) [The evaporative cooling device of claim 1, wherein a drainage plug is provided in the bottom of said sump.]

8. (original) The evaporative cooling device of claim 1, wherein a movable access door is provided in one of said evaporative pads to be able to gain access to the interior of said housing.

9. (original) The evaporative cooling device of claim 1, wherein vertical supports are placed in each corner of said multi-sided housing and wherein the tops of said supports are connected by channel braces which are open at their bottom and water dripping pipes are placed and connected within said channels.

10. (canceled). [The evaporative cooling device of claim 1, wherein said spout has a circular bottom ring and said top cover has a circular recess receiving said ring including means for clamping said spout in any adjusted rotational position.]

11. (currently amended) The evaporative cooling device of claim [10] 1, wherein said means for clamping consists of a knob at the top of said spout being connected to a downwardly extending threaded bolt, the end of which is being received in a Nylon lock nut having been mounted in the top of said housing.

12. (original) The evaporative cooling device of claim 1, wherein said spout has a rectangular opening and an adapter is placed over said opening to convert the same to a circular opening.

13. (original) The evaporative cooling device of claim 1 including an electric rotary switch mounted on said housing to control the speed of said pump and said blower singly or in combination.

14. (original) The evaporative cooling device of claim 1 including casters placed at the bottom of said housing to be moved relative to a supporting surface.

15. (original) The evaporative cooling device of claim 1, further comprising a second electric motor and a linkage between said second motor and said oscillating and rotatable spout, said linkage being adapted to rotate said oscillating spout alternatively clockwise and counterclockwise.

**16. (original) The evaporative cooling device of claim 15, wherein said linkage further comprises a rotating block having a first end being connected to said second electric motor at said first end, a socket formed in said second end, a ball loosely engaged in said socket, a rod connected to said ball at a first end of said rod, a second end, the second end of said rod being connected to a secondary ball loosely engaged in a secondary socket, said secondary socket being attached to a cross member being attached to said oscillating, rotatable spout.**



**17. (original) An evaporative stand-alone cooling device comprising:**

(a) a housing having a multiple of open vertical sides including wettable evaporative pads placed in each of said openings of said vertical sides;

(b) means for delivering water to each top of said evaporative pads to flow downwardly through said pads by way of gravity;

(c) a sump is located at the bottom of said housing to collect excess water therein from said evaporative pads;

(d) a pump is placed in said sump being the said means for delivering water to the top of each said pads and a float is located in said sump to detect a minimum level of said water in said sump to stop the pump;

(e) said housing further including a centrifugal blower being driven by a first electric motor, said blower being mounted in said housing so as to create a positive pressure of vertically flowing air while at the same time creating a negative pressure of laterally flowing air through said evaporative pads;

(f) said housing further includes a cover at its top having an opening to accommodate said vertically flowing air;

(g) an oscillating, rotatable spout is being placed over said opening to direct air in multiple directions; and

(h) further comprising a second electric motor and a linkage between said second electric motor and said oscillating, rotatable spout, said linkage being adapted to rotate said oscillating rotatable alternatively clockwise and counterclockwise.

(i) wherein each of said evaporative pads is of a sandwich construction consisting of said evaporative pads being placed innermost in each of said vertical open sides and a grid is placed most outwardly in said open vertical sides to protect said evaporative pad from damage and to enhance the aesthetic appearance of said housing.